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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/825,502
Filing Date: April 15, 2004
Appellant(s): SYKES ET AL.

John M. Harrington
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/29/2007 appealing from the Office action mailed 02/28/2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20030023632	Ries et al.	06-2003
US 20040030697A1	Cochran et al.	02-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 9, 12, and 14-15 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Skok (U.S. pub. No. 2002/0091725).

Regarding claims 1, 12, and 15, Skok discloses a method and system for updating web pages on a web server without republishing the web pages, comprising: providing on a production database server (203) a live version of at least one business data table (see paragraph 0065) containing information used to populate web pages on a production web server (203); storing in a quality assurance database server (205) a quality assurance version of the at least one business data table (see paragraph 0065) used to populate pages on a quality assurance web server (see fig. 2); allowing a maker at a business workstation (206)(authorized to create or edit content)(see paragraph 0038) to access the quality assurance database server (205) and enter a change to data on the quality assurance version of the at least one business data table (see

paragraph 0065)(see fig. 2); allowing a checker (web masters) at a business workstation to access the quality assurance database server (205) to review and approve or reject the change to the data on the quality assurance version of the at least one business data table (see paragraph 0032, 0072); and if the checker approves the change, replicating the change to the data on the quality assurance version of the at least one business data table from the quality assurance database server (205) to the live version of the at least one business data table on the production database server (203)(see fig. 2 or paragraph 0032,0073).

Regarding claim 2, Skok discloses providing on the production database server (203) the live version of the business data table containing information used to populate web pages on the production web server (203) accessible via a browser (internet/intranet)(202) on a customer workstation (201)(see fig. 2).

Regarding claim 3, Skok discloses storing the quality assurance version of the business data table used to populate pages on the quality assurance web server (205) accessible via a browser on a business workstation (see paragraph 0027 or fig. 3).

Regarding claims 7 and 9, Skok discloses allowing the maker to access the quality assurance database server (205) and enter the change (edit) to the data further comprises allowing the maker to access the quality assurance database server (205) and enter the change to the data on the quality assurance version of the business data table using a browser (html) on a business workstation (see paragraph 0035 with using Netscape composer to edit) and it is inherent that Skok discloses the editing the table including the delete, adding (see paragraph 0065).

With respect to claim 14, Skok discloses the respective web servers and database server are coupled to one another via one of a global network and an intranet (see fig. 2).

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth insection 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 4-6 and 10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Skok (U.S. pub. No. 2002/0091725) in view of Ries et al. (U.S. Pub. 2003/0023632).

Regarding claims 4-6, and 10, Skok discloses all limitations of claimed invention recited in claim 1 except for sql database and backend database management. However, Ries et al. discloses sql database (see paragraph 0092) and backend database management (see paragraph 055-056). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Skok's method to have sql database and backend database management in order to have different administration tools to edit the database in web server since such having sql database and backend database management for the stated purpose has been well known in the art as evidenced by teaching of Ries et al. (see paragraph 0019-0020).

4. Claims 8 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Skok (U.S. pub. No. 2002/0091725) in view of Sutherland et al. (U.S. Pub. 2002/0120757).

Regarding claims 8 and 13, Skok discloses all limitations of claimed invention recited in claim 1 except for allowing the maker to designate a time for the change to be accessible on web server. However, Sutherland et al. discloses allowing the maker (administrator) to designate a time for the change to be accessible on web server (see paragraph 0074). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Skok's system to allow the administrator to designate a time for the change to be accessible on web server in order to increate the security for the web server since such allowing the administrator to designate a time for the change to be accessible on web server for the stated purpose has been well known in the art as evidenced by teaching of Sutherland et al. (see paragraph 0074).

5. Claim 11 rejected under 35 U.S.C. 103 (a) as being unpatentable over Skok (U.S. pub. No. 2002/0091725) in view of Cochran et al. (U.S. Pub. 2004/0030697).

Regarding claim 11, Skok discloses all limitations of claimed invention recited in claim 1 except for allowing the checker to access the quality assurance database server to review the change to the data suing a web browser on business workstation. However, Cochran et al. discloses allowing the checker (administrator) to access the quality assurance database server to review the change to the data using a web browser on business workstation (see abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Skok's

system to allow the administrator to access the quality assurance database server to review the change to the data using a web browser on business workstation in order to have administrator at remote site can able to view, manage or follow the status since such allowing the administrator to access the quality assurance database server to review the change to the data using a web browser on business workstation for the stated purpose has been well known in the art as evidenced by teaching of Cochran et al. (see paragraph 007).

(10) Response to Argument

I. (issue): The Rejection of Claims 1-15 under 35 U.S.C 101 Is Improper.

Appellant's arguments are persuasive, therefore the rejection under 35 U.S.C. 101 that mailed out on 02/28/2007 is withdrawn.

II. (Issue): The Rejection of Claims 1-3, 7, 9, 12 and 14-15 Under 35 U.S.C. 102(b) as Anticipated by Skok (2002/0091172) is Improper.

a. In the first argument, the appellant state : "*Skok fails to teach or suggest providing on a production database sever a live version of at least one business data table containing information used to populate web pages on a production web server and storing in a quality assurance database server a quality assurance version of the at least one business data table used to populate pages on a quality assurance Web server, as recited in claim 1 and 15. On the contrary, Skok merly stores a live version of HTML and attachment portion for web pages in a web server database, and the edits created by a user on an application at the user's brower are simple queued for approval before*

being copied to the web server database (See, e.g., Skok, pars 0031, 0068 and Fig. 2)" , (page 7).

The Examiner does not agree with this argument because Skok disclose production database sever that includes an interactive live version of at least one business data table containing information used to populate Web pages on a production web sever (*i.e., "The invention users **Web page database** that permits the user to edit" (0068) or "a **database** and combined **dynamically to form the web page**" (0070) or "The user content agent uses the URL to access a row in a **database table**"(0071) and Appellant admitted in the argument above that Skok discloses **web server database** and stores **a live version of HTML** (page 7). Further, "a live version of at least one business data table containing information used to populate Web pages on a production web server" of claimed invention equivalents "a database and combined dynamically to form the web page" (0070). Examiner asserts that "populate Web pages" is the same "dynamically to form the web page" (0070)*) and storing in a quality assurance database server a quality assurance version of the at least one business data table (*Examiner asserts that Skok discloses storing the document and the document is edited and approved by people (i.e., "It is desired in the approval process to track who was involved in the review and approval process, as well as the various versions of the document that are created during the review and approval process" (0032-0033) is equivalence with "a quality assurance version of the lest one business database table" of claimed invention*) used to populate pages on a quality assurance web server (*Examiner asserts that "populate pages on a quality assurance web server" is the same "dynamically to form the web page" (0070) on the web sever (203) (see fig. 2)*).

b. In the second argument, the appellant state : "*Skok fails to teach or suggest allowing a maker at a business workstation to access the quality assurance database server and enter a change to data on the quality assurance version of the at least one business database table. Instead, according to Skok, the Web server displays the web page in the user's browser along with an editing application with which the user edits the*

web page on the web page database, and the edited web page is simple queued for a checker to approve (see, e.g., Skok, page. 0066 and 0068" (page 7).

The Examiner does not agree with this argument because Skok discloses a maker at a business workstation to access the quality assurance database server (*i.e., "Authentication requires a login with password or security certificate* ***when accessing*** *a server. For some web sites, the ability to* ***create, edit, or publish documents*** *may be limited to authorized users." (0060) and Examiner asserts that "authentication requires a login with password and security certification when accessing a server" equivalents with the limitation "the quality assurance database server" claimed invention*) and enter a change to data on the quality assurance version of the at least one business database table (*Examiner asserts that Appellant admitted on the argument above that Skok discloses "the user's browser along with an editing application with which the user edits the web page on the web page database" that means that "enter a changes to data on the quality assurance version of the at least one business database table" of claimed invention*).

c. In the third argument, the appellant state : "*Skok fails to teach or suggest allowing a checker at the business workstation to access the quality assurance database server to review and approve or reject the change to the data on the quality assurance version of the at least one business data table, as recited in claims 1 and 15. on the contrary, instead of a accessing a quality assurance database storing a quality assurance version of the business data table as recited in claim 1 and 15, according to Skok, the checker simple approve the queued web page edits for publishing (see, e.g., Skok, par. 0066)*" (page 7).

The Examiner does not agree with this argument because Skok discloses allowing a checker at the business workstation to access the quality assurance database server to review and approve or rejection the change to the data on the quality

assurance version of the at least one business data table (*i.e., "Authentication requires a login with password or security certificate* ***when accessing*** *a server. For some web sites, the ability to* ***create, edit, or publish documents*** *may be limited to authorized users." (0060) or "A web master 204 reviews the documents for* ***approval*** *for publishing" (0031) or "First the document is authored, then the document* ***is reviewed*** *by some entity, either an* ***individual or a group, referred to as a web master****. This process is sometimes* ***collaborative*** *with the author, and appropriate changes are made to the document. The document is then submitted to* ***an approval entity****, which may be the same or different from the review entity, and* ***if approved****, the document is ready for publishing. It is desired in the approval process to track* ***who was involved in the review and approval process****, as well as the various versions of the document that are created during the review and approval process" (0032) and "The HTML* ***editor provides*** *the ability to perform richly formatted text editing, such as italics, bold, centered, underline,* ***tables****, links, inserting graphics, etc" (0065) and Examiner asserts that "authentication requires a login with password and security certification when accessing a server" equivalents with the limitation "the quality assurance database server" claimed invention*).

d. In the fourth argument, the appellant state : "*Nor is there a hint of teaching or suggestion in Skok of replicating the change to the data on the quality assurance version of the at least one business data table from the quality assurance database server to the live version of the at least one business data table on the production database server if the checker approver the changes, as recited in claims 1 and 15. Instead of replicating the change on the quality assurance version from the quality assurance database server to the live version on the production database server, according to Skok, the user's edits are merely copied to the web server if approved (see, e.g., Skok, par. 0031). Replicating is a term of art which is clearly distinguishable from simple copying, altering and republishing, as discussed at length in the Specification, e.g., at p. 6, line 22-p. 7, line 13; and p. 21, line 11-22; p 22, line 17-28. Data replication refers to the process of*

representing database objects more than one distinct sites in which is set of replicas is synchronized so that approved changes made to one replica are dynamically reflected in all the others, which enables many geographically widely distributed users to work with their own local copy of a database but to have the database updated as if they were working on a single, centralized database. Using data replication, the database server implements nearly transparent approved updates of entire database servers. All the data that one database server manages is replicated and dynamically updated with approved changed on the secondary database servers, often at a separate geographical location. On the other hand, when a Web site is copied and altered (especially if the alteration is relatively small) and then republished, it is difficult, if not impossible for a person to distinguish between the original and the copy" (pages. 7-8) .

The Examiner does not agree with this argument because this argument is not supported by any claim's language. Examiner is to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364,1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). The claim recites "replicating the change to the data on the quality assurance version of the at least one business data table from the

quality assurance database server to the live version of the at least one business data table on the production database server" and Skok discloses copied to the web server if approve (*Appellant admitted in the argument above and Examiner assert that "copy" to update to the web server (0066) equivalents with the limitation "replicating" of claimed invention*). Further, Skok discloses "dynamically added and updated" (0074) and this is the same with the Appellant's argument "changed made to one replica are dynamically reflected".

III. (Issue): The rejection of claims 4-6 and 10 Under 35. U.S.C. 103 as Obvious Over Skok (2002/00911725) in View of Ries (2003/0023632) is improper.

In this argument, the appellant state: "*Skok and Ries, separately or in combination with one another, fail to teach or suggest the required combination of limitations of Applicant's Computer-implemented method of updating web pages on a Web server without republishing the web pages as recited in claims 1 on which claimed 4-6 and 10 depend, in which the respective versions of the at least one business data table further comprise one of a text data table and a binary data table as recited in claim 4 depending on claim 1, and/or in which each of the database servers further comprises an SQL database hosted by the respective database server as recited in claim 5, and /or in which the maker at the business workstation is allowed to access the quality assurance database server via a backend database management application as recited in claim 6 depending on claim1, and/or in which the checker at the business workstation is allowed to access the quality assurance database server via a backend database management application as recited in claim 10 on claim 1. On the contrary, Ries merely discloses editing a web page directly on a web server using an editing client that identifiers*

editable areas with the web page using data previously inserted in the web page referred to as "hook". (see, e.g., Ries, pars. 0021, 0049, 0050, 0056-0058, 0092, 0093, and 0098-0100)" (page 9).

The Examiner does not agree with this argument because Skok discloses all limitations of claimed invention recited in claims 1 and 15 except for the limitations of claims 4-6 and 10 (see Examiner's remark on the second issue) and the combinations of Skok and Ries discloses sql database (0092) and backed database management (0055-0056) with the motivation to have different kind of administration tools to edit or change the database and further to have a system with more flexible (Rises, 0021). This is proper rejection.

IV. (Issue): The rejection of claims 8 and 13 Under 35. U.S.C. 103 as Obvious Over Skok (2002/00911725) in View of Sutherland (2002/0120757) is improper.

In this argument, the appellant state : "*Skok and Sutherland, separately or in combination with one another, fail to teach or suggest the required combinations of limitations of Applicants' computer- implemented method of updating web pages on a web server without republishing the web pages as recited in claim 1 on which claims 8 and 13 depend, in which the maker is allowed to designate a time for the change to be accessible on the production web server as recited in claim 8, and/or in which the change of the at least one business data table is replicated, from the quality assurance database server to the live version of the at least one business data table on the production database server to be accessible on the production web server at a time designated by the maker as recited in claim 13. Instead, Sutherland discloses nothing more than granting*

group permissions to specific resources on the Internet via URLs that are valid for a limited time (See, e.g., Sutherland, par. 0074).", (page 10).

The Examiner does not agree with this argument because Skok discloses all limitations of claimed invention recited in claims 1 and 15 except for designate a time for the change to be accessible on the production web server. Surtherland disclose "the group administrator and the system also allows the group administrator to set a certain time period during which access is allowed" (0074). It would have been obvious at the time the invention was made to a person having in ordinary skill in the art to modify Skok's to add the function to designate a time for the change to be accessible on the production web server in order to increase the security for the web server (*Surtherland, 0074*). Therefore, combination of Skok and Surtherland disclose all limitations of claims invention.

V. (Issue): The rejection of claim 11 Under 35. U.S.C. 103 as Obvious Over Skok (2002/00911725) in View of Cochran (2004/0030697) is improper.

In this argument, the appellant state : "*Skok and Cochran, separately or in combination with one another, fail to teach or suggest the required combinations of limitations of Applicants' computer- implemented method of updating web pages on a web server without republishing the web pages as recited in claim 1 on which claim 11 depends, in which the checker is allowed to access the quality assurance database server to review and approve or reject the change to the data on the quality assurance version of the business data table using a web browser On a business workstation as recited in claim 11. Rather, Cochran discloses nothing more than adding feedback functionality to an online content management system*

without altering the stored online content in which user comments arc stored at a server or in a database (See, e.g., Cochran, par. 0054)." , (page 11).

The Examiner does not agree with this argument because Skok and Cochran disclose all limitations of claimed invention recited in claim 11 (*i.e., Skok, "The invention provides the ability to perform document* ***creation and editing*** *within* ***a browser*** *context. In addition, the invention presents all the data to the user in a rich content format. The process steps for content creation include authorization, creation/editing, approval, and publishing" (0059) or "step 604 the edited document is place in an approval queue" (0066)*) and Cochran also discloses administrator to access the quality assurance database server to review the change to the data using a web browser on business workstation (abstract) (*i.e., "information enabling a browser displaying hypertext received from the content management system to select text for specific commenting" (abstract)*). Therefore, combination of Skok and Cochran discloses the limitations of claim 11.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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